

**Wiltshire Council
Constitution
Protocol 12
Police and Crime Panel
Arrangements and
Procedure Rules**

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PROTOCOL 12A

WILTSHIRE POLICE AND CRIME PANEL

ARRANGEMENTS

1. Purpose

- 1.1 Wiltshire Council and Swindon Borough Council have agreed the following arrangements to establish and maintain a Police and Crime Panel ('the Panel') for their police force area as per the requirements of The Police Reform and Social Responsibility Act 2011 ('The Act')¹
- 1.2 The purpose of this arrangement is to support the functions of the Panel as specified in the Act and as agreed by respective Full Council meetings of both Authorities. These functions are outlined in Part 3 Section 5 of Wiltshire Council's Constitution.
- 1.3 Both Authorities and each Member of the Panel must comply with these Panel arrangements.
- 1.4 Both Authorities must agree to any modification to the Panel arrangements.²
- 1.5 The Panel is a joint committee of the Authorities.³ The Panel may not exercise any functions other than those conferred to it by the Police Reform and Social Responsibility Act 2011.⁴
- 1.6 The Panel has been given authority by the Act to review and scrutinise the decisions and actions taken by the Police and Crime Commissioner for Wiltshire ('the Commissioner') in connection with the discharge of the Commissioner's functions. These give it certain powers including:
 - 1.6.1 To review the draft Police and Crime Plan and make recommendations to the Commissioner, who must consider them.
 - 1.6.2 To review the Commissioner's annual report, on the progress made towards their plan, and make recommendations at a public meeting, which the Commissioner must attend.
 - 1.6.3 Responsibility for complaints about the Commissioner, although serious complaints and conduct matters must be passed to the Independent Office for Police Conduct in line with legislation.
 - 1.6.4 To require the Commissioner to attend the Panel to answer questions.
 - 1.6.5 To veto the Commissioner's proposed precept, the amount people pay through their council tax for policing, by a two-thirds majority of its total Membership.
 - 1.6.6 To veto by a two-third's majority of its total Membership the Commissioner's proposed candidate for Chief Constable

¹ Police Reform and Social Responsibility Act 2011, Schedule 6, Part 2, Para 3 (2)

² Ibid Schedule 6, Part 2, Para 3 (3)

³ Ibid, Schedule 6, Part 2, Para 4 (5b)

⁴ Ibid, Schedule 6, Part 2, Para 4 (6)

- 1.6.7 To appoint an acting Commissioner where the incumbent Commissioner is incapacitated, resigns or is disqualified.
 - 1.6.8 To make recommendations about the appointment of the Deputy Commissioner as well as the Chief Executive and Chief Financial Officer of the Commissioner's Office.
 - 1.6.9 To support the effective exercise of the functions of the Commissioner.
- 1.7 The Panel is not responsible for the scrutiny of operational police matters.
- 1.8 The Panel must have regard to the Policing Protocol Order 2011, or any successor Protocol, which sets out the ways in which the Home Secretary, the Commissioner, the Chief Constable and the Panel should exercise, or refrain from exercising, functions.
- 1.9 The conduct of the Panel and the content of these arrangements shall be subject to the legislative provisions in the Act, and any Regulations made in accordance with it, and in the event of any conflict between the Act or Regulations, and these arrangements, the requirements of the legislation will prevail.

2. Membership and Political Balance

- 2.1 A person may not be a Member of the Panel if they are the following:
- 2.1.1 The Commissioner.⁵
- 2.2 A person may not be a Co-opted Member if they are also any of the following:
- 2.2.1 A Member of Parliament.
 - 2.2.2 A Member of the National Assembly for Wales.
 - 2.2.3 A Member of the Scottish Parliament.
 - 2.2.4 A Member of the Office of the Commissioner.
 - 2.2.5 A Member of the civilian staff of Wiltshire Police.
 - 2.2.6 A Member of the European Parliament.^{6*}
- 2.3 The balanced appointment objective requires that the Local Authority Members of the Panel (which includes Members appointed by the Authorities and Co-opted Members who are elected Members of any of the Authorities) should:
- 2.3.1 represent all parts of the police force area;
 - 2.3.2 represent the political make-up of the Authorities; and,
 - 2.3.3 taken together have the skills, knowledge and experience necessary for the Panel to discharge its functions effectively.⁷

⁵ Police Reform and Social Responsibility Act 2011, Schedule 6, Part 4 (21)

⁶ Ibid, Schedule 6, Part 4 (22)

⁷ Ibid, Schedule 6, Part 4, Para 31 (5)

*Please note that the Police Reform and Social Responsibility Act was written when the United Kingdom was a European Union member state.

- 2.4 When considering the balanced appointment objective appointments should, where possible, reflect the diversity of the communities within the police force area.
- 2.5 The Panel shall consist of 11 Members appointed by the Authorities in accordance with the requirements of the balanced appointment objective contained within the Act, as follows:
- 2.5.1 Wiltshire Council - seven Members
 - 2.5.2 Swindon Borough Council - four Members
- 2.6 The Panel shall also include a minimum of two independent Members Co-opted by the Panel.
- 2.7 Co-opted Members shall serve for a period of four years on the Panel. There is no restriction on the number of terms that any Co-opted Member can serve.
- 2.8 The validity of the proceedings of the Panel is not affected by a vacancy in the Membership of the Panel or a defect in appointment.⁸
- 2.9 All Members shall observe the Code of Conduct of the host authority. Swindon Borough Council Members are also bound by their own Code.

3. Appointment, Resignation and Removal of Members

Appointment

- 3.1 The Panel shall put in place arrangements to ensure that appointments of Co-opted Members are undertaken following public advertisement in accordance with the following principles:
- 3.1.1 The appointment will be made on merit of candidates whose skills, experience and qualities are considered best to ensure the effective functioning of the Panel;
 - 3.1.2 The selection process must be fair, objective, impartial and consistently applied to all candidates who will be assessed against the same pre-determined criteria; and,
 - 3.1.3 The selection process will be conducted transparently with information about the requirements for the appointment and the process being publicly advertised and made available with a view to attracting a strong and diverse field of suitable candidates. It will be made clear that candidates from all backgrounds are welcome when advertising the post
- 3.2 Appointments of elected Members to the Panel shall be made by each of the Authorities in accordance with their own procedures and with a view to ensuring that the balanced appointment objective of the Act is met so far as is reasonably practicable. All Members of the Authorities are eligible to be Members of the Panel. The Host Authority shall take steps to coordinate the Authorities with a view to ensuring that the balanced appointment objective is achieved.⁹

⁸ Police Reform and Social Responsibility Act 2011, Schedule 6, Part 4, Para 30

⁹ Ibid, Schedule 6, Part 2, Para 4a and Ibid, Schedule 6, Part 3, Para 13 (2)

- 3.3 The Authorities shall both nominate elected Members to be Members of the Panel. If a nominated Member agrees to the appointment the Authority may appoint the Member as a Member of the Panel.
- 3.4 If an Authority fails to nominate a Member within 21 days of either their annual Full Council, or after the first meeting of the Authority to be held after the power to nominate arose, they must notify the Home Office.¹⁰
- 3.5 The relevant Authority must notify the Home Office where they fail to appoint a Councillor to the Panel within 14 days of the Councillor accepting nomination to the Panel.¹¹
- 3.6 In the event that an Authority does not appoint a Member or Members in accordance with their procedures, and there are fewer than 10 Members on the Panel appointed by the Authorities the Secretary of State must appoint a Member to the Panel from the defaulting Authority/Authorities in accordance with the provisions in the Act.¹²
- 3.7 In the event that an Authority does not appoint a Member in accordance with their procedures, and there are 10 Members on the Panel appointed by the Authorities the Secretary of State may appoint a Member to the Panel to achieve the balance appointment objective.
- 3.8 The Panel must from time to time decide whether the Panel should exercise its power to change the number of Co-opted Members of the Panel to enable the balanced appointment objective to be met, or be more effectively met, and if so, it must exercise that power accordingly.¹³
- 3.9 The Panel may resolve to have more than two Co-opted Members, subject to the agreement of the Secretary of State and as long as the total Membership of the Panel, including Co-opted Members, would not exceed 20.¹⁴
- 3.10 An elected Member of any of the Authorities may not be a Co-opted Member of the Panel where the number of Co-opted Members is two. If the Panel has three or more Co-opted Members an elected Member of any of the Authorities may be a Co-opted Member of the Panel provided that at least two of the other Co-opted Members are not elected Members of any of the Authorities.¹⁵
- 3.11 Additional elected Members may be requested to ensure the Panel represents all parts of the relevant police area and the political make-up of the relevant local authorities.¹⁶ Co-option of individual additional Local Authority Members must be unanimously

¹⁰ The Police and Crime Panels (Nominations, Appointments and Notifications) Regulations 2012 Guidance, pg.1

¹¹ Ibid, pg.2

¹² Police Reform and Social Responsibility Act 2011, Schedule 6, Part 3, Para 18

¹³ Ibid, Schedule 6, Part 4, Para 31 (4a)

¹⁴ Ibid, Schedule 6, Part 2, Para 4 (4)

¹⁵ Ibid, Schedule 6, Part 4, Para 23 (2)

¹⁶ Ibid, Schedule 6, Part 2, Para 5 and

<https://www.gov.uk/government/publications/police-and-crime-Panels/police-fire-and-crime-Panels-guidance#Panels-in-england>

agreed by the Panel.¹⁷ An increase in Membership from 11 elected Members would also require agreement by both Authorities to the amendment to these Panel Arrangements to reflect the new total.

Resignation and Removal

- 3.12 A Member may resign from the Panel by giving written notice to the Proper Officer at Wiltshire Council.
- 3.13 In the event that an appointed Member resigns or is removed from the Panel, the relevant Authority shall immediately take steps to nominate and appoint an alternative Member to the Panel.
- 3.14 Where a Co-opted Panel Member fails to attend at least two meetings of the Panel over a six-month period then the Lead authority shall recommend that due consideration is given to removing the Member from the Panel and to the appointment of a replacement Member.
- 3.15 If they are a Co-opted Member, then the Panel shall make arrangements to appoint a replacement. The only exception to this would be if the Panel were to have more than two Co-opted Members and wished to reduce the number of Co-opted Members. Should the Panel wish to change the number of Co-opted Members it must notify the Home Office.¹⁸
- 3.16 An Authority may decide in accordance with their procedures to remove their appointed Member from the Panel at any point and on doing so shall give notice to the Proper Officer at Wiltshire Council.
- 3.17 The Panel may decide to terminate the appointment of a Co-opted Member of the Panel if at least two-thirds of the persons, present and voting, who are Members of the Panel at the time when the decision is made, vote in favour of making that decision at any time for the reasons set out below and on doing so shall give written notice to the Co-opted Member:
- 3.17.1 if the Co-opted Member has been absent from the Panel for more than six months, missing at least two meetings during that time, without the consent of the Panel;
 - 3.17.2 if the Co-opted Member has been convicted of a criminal offence but not automatically disqualified;
 - 3.17.3 if the Co-opted Member is deemed to be incapacitated by physical or mental illness or is otherwise unable or unfit to discharge his or her functions as a Co-opted Member of the Panel; or,
 - 3.17.4 if the Co-opted Member's Membership of the Panel no longer achieves the meeting of the balanced appointment objective.

4. The Host Authority

¹⁷ The Police and Crime Panels (Nominations, Appointments and Notifications) Regulations 2012 Guidance, pg.1

¹⁸ The Police and Crime Panels (Nominations, Appointments and Notifications) Regulations 2012 Guidance, pg.2)

- 4.1 Wiltshire Council shall be the host authority for the Panel and shall provide such administrative and other support as will be necessary to enable the Panel to undertake its functions.
- 4.2 Support and guidance will be provided to Members and Officers at both Authorities as well as Co-opted Members of the Panel in relation to the Panel's functions.¹⁹

5. Promotion of the Panel

- 5.1 The Panel shall take measures to promote its role including through the publication of its minutes and agendas on the host Authority's website.
- 5.2 A copy of the Panel Arrangements and Procedure Rules is to be made available on the part of the host Authority's website relating to the Panel.

6. Budget and Costs of the Panel

- 6.1 The annual costs of the Panel shall be contained within the Home Office grant.
- 6.2 The payment of a responsibility allowance to Panel Members shall be considered and a recommendation sought from the Independent Remuneration Panel of each council as to whether the payment of such an allowance is appropriate.
- 6.3 Reasonable expenses will be reimbursed by each authority with the host Authority reimbursing the expenses of the Co-opted independent Members.

7. Modification of the Procedure Rules

- 7.1 The Rules of Procedure shall not be amended unless notification of a proposed amendment is received by the Proper Officer Wiltshire Council at least 10 working days prior to a Panel meeting.
- 7.2 A report on the implications of the proposed amendment shall be considered by the Panel and the amendment shall require the agreement of at least two thirds of the persons who are Members of the Panel at the time when the decision is made.
- 7.3 No amendment may be considered by the Panel which does not comply with the Act, relevant Regulations or Panel Arrangements.

¹⁹ Police Reform and Social Responsibility Act 2011, Schedule 6, Part 4, Para 29

PROTOCOL 12B

WILTSHIRE POLICE AND CRIME PANEL

RULES OF PROCEDURE

1. Meetings of the Police and Crime Panel

- 1.1 The Police and Crime Panel (The Panel) will follow the procedure rules of the Host Authority, found in Part 4 of Wiltshire Council's Constitution.
- 1.2 Where the Procedure Rules differ from those of the Host Authority then the Panel's Procedure Rules shall apply in place of those of the Host.
- 1.3 The Panel's agendas and minutes will be published in accordance with the statutory requirements set out in Section 100 Local Government Act 1972 and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 (as reflected in Part 5 of Wiltshire Council's Constitution).
- 1.4 The Panel shall hold a minimum of four meetings per year.
- 1.5 An extraordinary meeting may be called by the Chairman or by four Members of the Panel, or the Monitoring Officer of Wiltshire Council.
- 1.6 Any Member of the Panel shall be entitled to give notice to the Director, Legal and Governance, Wiltshire Council, that they wish an item relevant to the functions of the Panel to be included on the agenda for the next available meeting.
- 1.7 Items will be rejected where they do not relate to a matter for which the Panel has a responsibility for, require confidential information to be disclosed or are deemed improper or inappropriate for the meeting.
- 1.8 The Chairman's ruling will be final.

2. The Chairman

- 2.1 The Chairman and Vice-Chairman of the Panel will be appointed at the first meeting of the Panel following the annual confirmation of Members to the Panel by the constituent councils. Any Member of the Panel, including Co-opted Members, may be elected as Chairman or Vice-Chairman.
- 2.2 In the event of the resignation of the Chairman or removal of the Chairman, a new Chairman will be appointed.
- 2.3 The Chairman may be removed by a majority vote of the Panel. In the event the Chairman is removed, the Panel will vote to appoint a replacement.
- 2.4 The Panel will elect a person to preside at a meeting if the Chairman and Vice-Chairman are not present.

3. Public Participation

- 3.1 Members of the public are able to ask questions or make a statement in relation to the responsibilities and functions of the Panel at each meeting.
- 3.2 A question will be rejected where it:
 - 3.2.1 does not relate to the responsibilities and functions of the Panel;
 - 3.2.2 directly relates to operational Police matters;
 - 3.2.3 is defamatory, frivolous, offensive, vexatious, unlawful or otherwise improper;
 - 3.2.4 relates to any non-determined planning or licensing application;
 - 3.2.5 requires the disclosure of confidential or exempt information;
 - 3.2.6 names or identifies individual service users, Members of staff or Members of staff of partner agencies, other than the Police and Crime Commissioner ('the Commissioner') or Chief Constable;
 - 3.2.7 is considered by the Chairman to be inappropriate for the particular meeting.
- 3.3 The Chairman's ruling on rejection of a question will be final following consultation with the Monitoring Officer.
- 3.4 The rules and deadlines relating to public participation contained within Part 4 of Wiltshire Council's Constitution will apply.
- 3.5 The Chairman may reject a supplementary question on the grounds listed in paragraph 3.2 above (reasons for rejection). A supplementary question may not include an additional preceding statement.
- 3.6 Ordinarily, no debate shall be allowed on questions presented or responses given. In exceptional circumstances only, the Chairman may allow discussion.

4. Decision Making

- 4.1 All Panel Members may vote in the proceedings of the Panel.²⁰
- 4.2 The rules of debate of the Panel shall be governed by the rules relating to meetings of Wiltshire Council committees in Part 4 of Wiltshire Council's constitution.

5. Special Functions of the Panel

- 5.1 The Panel has the below special functions derived from the Police Reform and Social Responsibility Act 2011:²¹
 - 5.1.1 Scrutiny of the Commissioner's draft Police and Crime Plan.²²
 - 5.1.2 Scrutiny of the Commissioner's annual report.²³
 - 5.1.3 Scrutiny of senior appointments in the Office of the Commissioner.²⁴

²⁰ Police Reform and Social Responsibility Act 2011, Schedule 6, Part 4, Para 26

²¹ Ibid, Schedule 6, Part 4, Para 27 (2)

²² Ibid, Part 1, Chapter 4, Section 28 (3)

²³ Ibid, Part 1, Chapter 4, Section 28 (4)

²⁴ Ibid, Schedule 1, Paras 10 and 11

5.1.4 Scrutiny of Precepts.²⁵

5.1.5 Scrutiny of the appointment of the Chief Constable.²⁶

6. Police and Crime Plan

6.1 The Panel must review the draft Police and Crime Plan, or draft variation, given to the Panel by the Commissioner and make a report or recommendations on the draft plan or variation to them.²⁷

7. Annual Report

7.1 The Commissioner must produce an annual report about the exercise of his/her functions in the financial year and progress in meeting police and crime objectives in the year. The report must be sent to the Panel for consideration.²⁸

7.2 The Panel must comment upon the annual report of the Commissioner, and for that purpose must:

7.2.1 Arrange for a public meeting of the Panel to be held as soon as practicable after the Panel receives the annual report.

7.2.2 require the Commissioner to attend the meeting to present the annual report and answer questions about the annual report as the Members of the Panel think appropriate.

7.2.3 make a report or recommendations on the annual report to the Commissioner.²⁹

8. Senior Appointments

8.1 The Panel must review the Commissioner's proposed appointments of the:

8.1.1 Chief Constable

8.1.2 Deputy Commissioner

8.1.3 Chief Executive of the Commissioner's Office

8.1.4 Chief Finance Officer of the Commissioner's Office³⁰

8.2 In each case, the Panel is required, within three weeks of notification of the proposed appointment by the Commissioner, to hold a confirmation hearing in public. It will be requested that the candidate appears, either virtually or in person, for the purposes of answering questions relating to their employment.³¹

8.3 After holding the confirmation hearing, but still within three weeks of notification of the proposed appointment by the Commissioner, the Panel must make a report on the

²⁵ Police Reform and Social Responsibility Act 2011, Schedule 5

²⁶ Ibid, Schedule 8, Part 1

²⁷ Ibid, Chapter 4, Section 28 (3)

²⁸ Ibid, Chapter 3, Section 12 (2)

²⁹ Ibid, Part 1, Chapter 4, Section 28 (4)

³⁰ Ibid, Part 1, Chapter 4, Section 28 (5)

³¹ Ibid, Schedule 8, Part 1, Paragraph 6 (3) for the Chief Constable and Ibid, Schedule 1, Part 11 for other senior appointments

proposed senior appointment including a recommendation as to whether the candidate should be appointed.³² The Panel must publish its report to the Commissioner.

- 8.4 For the purposes of calculating three weeks any relevant post-election period is to be ignored. For that purpose, “relevant post-election period” means the period that begins with the day of the poll at an ordinary Commissioner’s election and ends with the day on which the person elected as Commissioner delivers their declaration of acceptance of office.³³
- 8.5 In the cases of the appointment of the Deputy Commissioner, Chief Executive of the Commissioner’s Office or Chief Finance Officer of the Commissioner’s Office the Commissioner may accept or reject the Panel’s recommendation as to whether the candidate should be appointed. The Commissioner must notify the Panel of their decision whether to accept or reject the recommendation.³⁴

Veto of the Chief Constable’s Appointment

- 8.6 In the case of the Chief Constable the Panel may, having reviewed the proposed appointment, veto the appointment of the candidate if at least two-thirds of the persons who are Members of the Panel at the time when the decision is made vote in favour of making that decision. The Panel will lose its veto if it fails to make a recommendation within three weeks of notification of the proposed appointment (excluding any relevant post-election period).³⁵
- 8.7 Where the Panel exercises its veto within the required timeframe, the Commissioner shall propose another person for appointment as chief constable (“a reserve candidate”).³⁶ Within the period of three weeks, beginning with the day on which the Panel receives notification of the proposed reserve candidate, the Panel shall review the proposed appointment following the same procedure as for the original candidate.
- 8.8 The Panel must hold a confirmation hearing and make a report to the Commissioner containing a recommendation as to whether the reserve candidate should be appointed.³⁷
- 8.9 The Panel does not have authority to veto a reserve candidate for Chief Constable.³⁸ However, the Commissioner must have regard to the Panel’s report and notify the Panel of their decision as to whether they accept or reject their recommendation.³⁹

³² Police Reform and Social Responsibility Act 2011, Schedule 8, Part 1, Paragraph 4 (6) for the Chief Constable and Ibid, Schedule 1, Part 10 (2:5) for other senior appointments

³³ Ibid, Schedule 8, Part 1, Paragraph 4 (10) for the Chief Constable and Ibid, Schedule 1, Part 10 (9) for other senior appointments

³⁴ Ibid, Schedule 1, Part 12

³⁵ Ibid, Schedule 8, Part 1, Paragraph 5

³⁶ The Police and Crime Panels (Precepts and Chief Constable Appointments) Regulations 2012, Part 3, Paragraph 9

³⁷ Ibid, Part 3, Paragraph 10, pg. 2 [Police and crime Panel scrutiny of chief constable appointments - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/248422/police-and-crime-panel-scrutiny-of-chief-constable-appointments.pdf)

³⁸ Police and Crime Panels – Scrutiny of Chief Constable Appointments Guidance

³⁹ The Police and Crime Panels (Precepts and Chief Constable Appointments) Regulations 2012, Part 3, Paragraph 11

9. Precepts

- 9.1 The Commissioner will notify the Panel of the precept which the Commissioner is proposing to issue for the forthcoming financial year by 1 February.⁴⁰ The Panel must review the proposed precept and make a report on whether to accept the proposals by 8 February.⁴¹
- 9.2 Having considered the precept, the Panel will do one of the following:
- 9.2.1 support the precept without qualification or comment;
 - 9.2.2 support the precept and make recommendations, or
 - 9.2.3 veto the proposed precept (by the required majority of at least two thirds of the persons who are Members of the Panel at the time when the decision is made).
- 9.3 If the Panel fails to report to the Commissioner by 8 February the scrutiny process comes to an end, even if the Panel have voted to veto the proposed precept, and the Commissioner may issue the proposed precept.

If the Panel Does Not Use its Veto

- 9.4 The Commissioner will have regard to the Panel's report and publish their response. The Commissioner may then issue to proposed precept as the precept for the financial year. Alternatively, the Commissioner may issue a different precept but only if it is in accordance with the recommendation/s made in the Panel's report.⁴²

If the Panel Vetoes the Precept

- 9.5 If the Panel vetoes the proposed precept, the report to the Commissioner must include a statement that the Panel has vetoed the proposed precept with reasons. The Panel will require a response to its report, which the Commissioner must publish by 15 February.⁴³ The Commissioner's response shall include details of a revised proposed precept.⁴⁴ It is for the Panel to determine the manner in which the response to its report or recommendations is to be published.⁴⁵
- 9.6 Where the Panel's report:
- 9.6.1 indicates that the Panel vetoes the proposed precept because it is too high, the revised precept shall be lower than the proposed precept;

⁴⁰ The Police and Crime Panels (Precepts and Chief Constable Appointments) Regulations 2012, Part 2 Paragraph 3

⁴¹ Ibid, Part 2, Paragraph 4 (1)

⁴² Police Reform and Social Responsibility Act 2011, Schedule 5, Para 5 (3)

⁴³ Scrutiny of Precept Guidance [Police and crime Panel scrutiny of the precept - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/234442/Police_and_crime_Panel_scrutiny_of_the_precept_-_GOV.UK_(www.gov.uk).pdf) pg.1

⁴⁴ The Police and Crime Panels (Precepts and Chief Constable Appointments) Regulations 2012, Part 2, Para 5(2)

⁴⁵ Police Reform and Social Responsibility Act 2011, Schedule 5, Part 6(4)

9.6.2 indicates that the Panel vetoes the proposed precept because it is too low, the revised precept shall be higher than the proposed precept.⁴⁶

9.7 Upon receiving the Commissioner's revised precept, the Panel shall, by 22 February, review it and make a report which may indicate whether the Panel accepts or rejects the revised precept and make recommendations about whether the precept should be issued for the forthcoming financial year.⁴⁷

9.8 The Panel is not able to veto the revised precept, but the Commissioner must have regard to their report, and any recommendations they make, and publish a response to it as long as the Panel's report is published by 22 February. The Commissioner should publish their response by 1 March.⁴⁸

10. Complaints

10.1 Criminal and non-criminal complaints in relation to the Commissioner or other office holders will be dealt with and/or delegated in accordance with the Act and the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 and Policing and Crime Act 2017.

10.2 The process for dealing with complaints about the Commissioner shall be undertaken in accordance with the arrangements published on Wiltshire Council's website, with the implementation of the complaints process delegated to the Monitoring Officer at Wiltshire Council.

10.3 The Panel will maintain oversight of and retain ultimate responsibility for the complaints procedure.

11. Suspensions

The Commissioner

11.1 Panel may suspend the Commissioner if it appears to the Panel that:

11.1.1 the Commissioner has been charged in the United Kingdom, the Channel Islands or the Isle of Man with an offence, and

11.1.2 the offence is one which carries a maximum term of imprisonment exceeding two years.⁴⁹

11.2 The suspension of the Commissioner ceases to have effect upon the occurrence of the earliest of these events:

11.2.1 the charge being dropped;

11.2.2 the Commissioner being acquitted of the offence;

⁴⁶ The Police and Crime Panels (Precepts and Chief Constable Appointments) Regulations 2012, Part 2, Para 5 (3)

⁴⁷ Ibid, Part 2, Para 6 (2)

⁴⁸ Ibid, Part 2, Para 7

⁴⁹ Police Reform and Social Responsibility Act 2011, Part 1, Chapter 4, Section 30 (1)

- 11.2.3 the Commissioner being convicted of the offence but not being disqualified under section 66 by virtue of the conviction;
- 11.2.4 the termination of the suspension by the Panel.⁵⁰

Chief Constable

- 11.3 If the Commissioner proposes to call upon the Chief Constable to retire or resign they must also notify the Panel in writing of their proposal together with a copy of the reasons given to the Chief Constable in relation to that proposal.⁵¹
- 11.4 The Commissioner must provide the Panel with a copy of any representations from the Chief Constable about the proposal to call for their resignation or retirement.⁵²
- 11.5 If the Commissioner is still proposing to call upon the Chief Constable to resign, they must notify the Panel accordingly (the 'further notification').⁵³
- 11.6 Within six weeks from the date of receiving the further notification the Panel must make a recommendation in writing to the Commissioner as to whether they should call for the retirement or resignation. Before making any recommendation, the Panel may consult the Chief Inspector of Constabulary, and must hold a scrutiny meeting.⁵⁴ The Panel must publish its recommendation.
- 11.7 For the purposes of calculating six weeks any relevant post-election period is to be ignored. For that purpose, "relevant post-election period" means the period that begins with the day of the poll at an ordinary Commissioner's election and ends with the day on which the person elected as Commissioner delivers their declaration of acceptance of office.⁵⁵
- 11.8 The scrutiny hearing which must be held by the Panel is a Panel meeting in private to which the Commissioner and Chief Constable are entitled to attend to make representations.⁵⁶
- 11.9 The Commissioner must consider the Panel's recommendation and may accept or reject it, notifying the Panel accordingly.
- 11.10 The Commissioner may not call upon the Chief Constable to retire or resign until the end of the scrutiny process which will occur:
- 11.10.1 at the end of six weeks (excluding the relevant post-election period) from the Panel having received notification if the Panel has not by then given the Commissioner a recommendation as to whether they should call for the retirement or resignation, or

⁵⁰ Police Reform and Social Responsibility Act 2011, Part 1, Chapter 4, Section 30 (2)

⁵¹ Ibid, Schedule 8, Part 2, Para 13 (3)

⁵² Ibid, Schedule 8, Part 2, Para 13 (5b)

⁵³ Ibid, Schedule 8, Part 2, Para 14

⁵⁴ Ibid, Schedule 8, Part 2, Para 15

⁵⁵ Ibid, Schedule 8, Part 2, Para 15 (8)

⁵⁶ Ibid, Schedule 8, Part 2, Para 15

11.10.2 the Commissioner notifies the Panel of a decision about whether they accept the Panel's recommendations in relation to the Chief Constable's resignation or retirement.⁵⁷

11.10.3

12. Appointment of an Acting Commissioner

12.1 The Panel must appoint a Member of the Commissioner's staff to act as Commissioner if:

12.1.1 no person holds the office of Commissioner

12.1.2 the Commissioner is incapacitated, or

12.1.3 the Commissioner is suspended.⁵⁸

12.2 In appointing a person as acting Commissioner in a case where the Commissioner is incapacitated, the Panel must have regard to any representations made by the Commissioner in relation to the appointment.

12.3 The appointment of an acting Commissioner ceases to have effect upon the occurrence of the earliest of these events:

12.3.1 the election of a person as Commissioner;

12.3.2 the termination by the Panel, or by the acting Commissioner, of the appointment of the acting Commissioner;

12.3.3 in a case where the acting Commissioner is appointed because the Commissioner is incapacitated, the Commissioner ceasing to be incapacitated, or

12.3.4 in a case where the acting Commissioner is appointed because the P Commissioner is suspended, the Commissioner ceasing to be suspended.⁵⁹

12.4 There is a six-month time limit on how long the Commissioner can be incapacitated before their role becomes vacant. Once the six-month limit has been reached, a by-election would need to be conducted to fill the vacancy.⁶⁰

13. Sub Committees and Task Groups

13.1 Sub-committees or time limited task groups may be established from time to time by the Panel to undertake specific task-based work.

13.2 The work undertaken by a sub-committee or task group will be scoped and defined beforehand, together with the timeframe within which the work is to be completed and the reporting time for the outcome of the work.

13.3 The special functions of the Panel, as defined in Section 5, may not be discharged by a sub-committee or a task group, of the Panel.⁶¹

⁵⁷ Police Reform and Social Responsibility Act 2011, Schedule 8, Part 2, Para 15

⁵⁸ Ibid, Chapter 6, Section 62 (1)

⁵⁹ Ibid, Chapter 6, Section 62 (6)

⁶⁰ [Police, fire and crime Panels guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/674442/Police_fire_and_crime_Panels_guidance_-_GOV.UK_(www.gov.uk).pdf)

⁶¹ Police Reform and Social Responsibility Act 2011, Schedule 6, Part 4, Para 27 (1)

**Wiltshire Council
Constitution
Protocol 12
Police and Crime Panel
Procedure Rules and Panel
Arrangements**

PROTOCOL 12

POLICE AND CRIME PANEL

PROCEDURE RULES AND PANEL ARRANGEMENTS

1. Chairman Of The Police And Crime Panel:

- The chairman of the Police and Crime Panel will be appointed in June of each year or at the first meeting of the panel following the annual appointment of members to the panel by constituent councils. The chairman will be drawn from amongst the councillors sitting on the panel.
- The vice-chairman will be appointed in June of each year or at the first meeting of the panel following the annual appointment of members to the panel by constituent councils and will be drawn from amongst the councillors sitting on the panel.
- In the event of the resignation of the chairman or removal of the chairman, a new chairman will be appointed and will be drawn from amongst the councillors sitting on the panel.
- The chairman may be removed by the agreement of a majority of the whole membership of the panel and in that event the panel will appoint a replacement chairman from amongst the councillors sitting on the panel.
- The panel will elect a person to preside at a meeting if the chair and vice-chairman are not present.

2. Meetings Of The Police And Crime Panel:

- There shall be a minimum of four ordinary meetings of the Police and Crime Panel held in public in each municipal year to carry out the functions of the panel. In addition, extraordinary meetings may be called from time to time.
- An extraordinary meeting may be called by the chairman or by four members of the panel.
- An extraordinary meeting may also be called by the Monitoring Officer to the panel.
- Ordinary meetings will take place in accordance with a programme decided by the panel, and will start at the time decided by the panel.
- Ordinary meetings of the panel will:
 - receive any declarations of interest from members
 - approve the minutes of the last meeting
 - consider reports from officers and panel members

- Panel members will be notified of the time and place at least 5 clear working days before an ordinary meeting, and as soon as known in the event of an extraordinary meeting. Public notice of Panel meetings will be given in accordance with the normal arrangements for local authority meetings including the provisions of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

3. Quorum

- A meeting of the Police and Crime Panel cannot take place unless one third of the whole number of its members is present.

4. Voting

- Voting will normally be by a show of hands.
- All panel members may vote in the proceedings of the panel.
- All matters to be considered by the Police and Crime Panel shall be decided by a majority of the members of the Police and Crime Panel present and voting at the meeting. This will be done following the moving of a motion by any member of the Police and Crime Panel. A simple majority is required to confirm a decision, except in the specific circumstances of the PCP seeking to veto the Police and Crime Commissioner's proposed precept or the Police and Crime Commissioner's proposed appointment of a Chief Constable or as otherwise specified in these Procedure Rules.
- Any member may request a recorded vote and, if one quarter of the members present signifies its support, such a vote will be taken.
- In the event of a tie in voting, the Chairman of the meeting shall have a second or casting vote.

5. Work Programme

- The Police and Crime Panel will be responsible for setting its own work programme taking into account the priorities defined by the Police and Crime Commissioner. In setting the work programme the Police and Crime Panel will also take into account the wishes of its members.
- The work programme must include the functions described in the terms of reference for the panel.

6. Agenda Items

- The Panel agenda will be issued to Panel members at least 5 clear working days before the meeting. It will also be published on the Panel's website and by sending copies to each of the authorities and by any other means the panel considers appropriate.

- Any member of the Panel shall be entitled to give notice to the Head of Democratic Services at Wiltshire Council that he or she wishes an item relevant to the functions of the panel to be included on the agenda for the next available meeting.
- Items will be rejected where they do not relate to a matter for which the panel has a responsibility for, require confidential information to be disclosed or are deemed improper or inappropriate for the meeting. The Chairman will take this decision, and their decision is final.

7. Reports from the Police and Crime Panel

- Where the Police and Crime Panel makes a report to the Police and Crime Commissioner, it may publish the report or recommendations.
- The Police and Crime Panel must by notice in writing require the Police and Crime Commissioner, as appropriate, within one month of the date on which it receives the report or recommendations to:
 - Consider the report or recommendations.
 - Respond to the Police and Crime Panel indicating what (if any) action the Police and Crime Commissioner proposes to take.
 - Where the Police and Crime Panel has published the report or recommendations, publish the response.
 - Where the Police and Crime Panel has provided a copy of the report or recommendations to a member, provide a copy of the response to the member.
- The publication of reports or recommendations is subject to the exclusion of any exempt or confidential information as defined in the rules on access to information in the Local Government Act 1972 (as amended).
- If the Police and Crime Panel cannot unanimously agree on one single final report to the Police and Crime Commissioner then one separate report may be prepared and submitted for consideration along with the majority report.

8. Police and Crime Commissioner and Officers Giving Account

- The Police and Crime Panel may scrutinise and review decisions made or actions taken in connection with the Police and Crime Commissioner's role. As well as reviewing documentation, in fulfilling its scrutiny role it may require the Police and Crime Commissioner, and members of that commissioner's staff, to attend before the panel (at reasonable notice) to answer any questions which appear to the panel to be necessary in order to carry out its functions.
- Where the Police and Crime Commissioner, or a member of that commissioner's staff, is required to attend the panel under this provision the chairman will inform them in writing giving, where practical, 15 days notice of the meeting. The notice will state the nature of the item on which

he or she is required to attend to give account and whether any papers are required for production for the panel. Where it is necessary to produce a report, sufficient time will be given to allow preparation of that report.

- Where, in exceptional circumstances, the Police and Crime Commissioner is unable to attend on the required date, then an alternative date for attendance may be arranged following consultation with the chairman of the panel.
- If the Police and Crime Panel require the Police and Crime Commissioner to attend before the panel, the panel may (at reasonable notice) request the Chief Constable to attend before the panel on the same occasion to answer any questions which appears to the panel to be necessary in order for it to carry out its functions.

9. Attendance by others

- The Police and Crime Panel may invite people other than those referred to above to address it, discuss issues of local concern and/or answer questions. It may, for example, wish to hear from residents, stakeholders, councillors who are not members of the panel and officers in other parts of the public sector and may invite such people to attend.

10. Sub-Committees and Task Groups

- Sub Committees or time limited task groups may be established from time to time by the Police and Crime Panel to undertake specific task based work.
- The special functions of the Police and Crime Panel may not be discharged by a sub-committee of the panel or a task group.
- In this paragraph 'special functions' means the functions conferred on a Police and Crime Panel by:
 - Section 28(3) of Police Reform and Social Responsibility Act (scrutiny of Police and Crime Plan).
 - Section 28 (4) of Police Reform and Social Responsibility Act (scrutiny of annual report)
 - Paragraphs 10 and 11 of Schedule 1 of Police Reform and Social Responsibility Act (review of senior appointments).
 - Schedule 5 of Police Reform and Social Responsibility Act (issuing precepts)
 - Part 1 of Schedule 8 of Police Reform and Social Responsibility Act (scrutiny of appointment of the Chief Constable).
- The work undertaken by a sub-committee or task group will be scoped and defined beforehand, together with the timeframe within which the work is to be completed and the reporting time for the outcome of the work.

11. Carrying Out 'Special Functions'

Reports and recommendations made in relation to the special functions outlined in the terms of reference will be carried out in accordance with the procedure outlined at Section 5.18

- Police and crime plan
 - The panel is a statutory consultee on the development of the Police and Crime Commissioner's police and crime plan and will receive a copy of the draft police and crime plan, or a draft of any variation to it, from the Police and Crime Commissioner.
 - The panel must:
 - hold a public meeting to review the draft police and crime plan (or a variation to it), and
 - report or make recommendations on the draft plan which the PCC must take into account.
- Annual report
 - The Police and Crime Commissioner must produce an annual report about the exercise of his/her functions in the financial year and progress in meeting police and crime objectives in the year. The report must be sent to the panel for consideration.
 - The panel must comment upon the annual report of the Police and Crime Commissioner, and for that purpose must:
 - Arrange for a public meeting of the panel to be held as soon as practicable after the panel receives the annual report
 - require the Police and Crime Commissioner to attend the meeting to present the annual report and answer questions about the annual report as the members of the panel think appropriate
 - make a report or recommendations on the annual report to the PCC.
- Senior appointments
 - The panel has powers to review the Police and Crime Commissioner's proposed appointments of Chief Constable, Chief Executive, Chief Finance Officer and Deputy Police and Crime Commissioner. The panel is required to hold public confirmation hearings for these posts.

- The panel will be notified of the need for a confirmatory hearing in respect of proposed senior appointments made by the Police and Crime Commissioner. This will be held at the next available meeting of the panel unless the appointment timescale requires an earlier hearing, in which case an extraordinary meeting will be arranged.
- With regards to the appointment of the Chief Constable, the panel is required to hold a hearing within the period of three weeks from the day on which the panel receives notification from the Police and Crime Commissioner.
- Confirmatory hearings will be held in public, where the candidate is requested to appear for the purpose of answering questions relating to the appointment. Following this hearing, the panel is required to review the proposed appointment and make a report to the commissioner on the appointment.
- For a confirmatory hearing for the proposed appointment of the Chief Constable, in addition to the requirement to review and report, the panel has the requirement to make a recommendation on the appointment and the power to veto the appointment.
- Having considered the appointment, the panel will be asked to either:
 - support the appointment without qualification or comment;
 - support the appointment with associated recommendations, or
 - veto the appointment of the Chief Constable (by the required majority of at least two thirds of the persons who are members of the panel at the time when the decision is made).
- If the panel vetoes the appointment of the candidate, the report to the commissioner must include a statement that the panel has vetoed the appointment with reasons.
- Appointment of an Acting Police and Crime Commissioner
 - The Police and Crime Panel must appoint a person to act as Police and Crime Commissioner if:
 - no person holds the office of Police and Crime Commissioner
 - the Police and Crime Commissioner is incapacitated, or
 - the Police and Crime Commissioner is suspended.
 - The Police and Crime Panel may appoint a person as acting commissioner only if the person is a member of the Police and Crime Commissioner's staff at the time of the appointment.
 - In appointing a person as acting commissioner in a case where the Police and Crime Commissioner is incapacitated, the Police and Crime Panel must have regard to any representations made by the commissioner in relation to the appointment.

- The appointment of an acting commissioner ceases to have effect upon the occurrence of the earliest of these events:

- the election of a person as Police and Crime Commissioner;
- the termination by the Police and Crime Panel, or by the acting commissioner, of the appointment of the acting commissioner;

Note: this section may have to be varied in the light of Home Office Regulations expected in March on the exercise of the veto.

- in a case where the acting commissioner is appointed because the Police and Crime Commissioner is incapacitated, the commissioner ceasing to be incapacitated, or
- in a case where the acting commissioner is appointed because the Police and Crime Commissioner is suspended, the commissioner ceasing to be suspended.

- Proposed precept

- The Police and Crime Commissioner will notify the Police and Crime Panel of the precept which the commissioner is proposing to issue for the financial year. The panel must review the proposed precept and make a report including recommendations.
- Having considered the precept, the Police and Crime Panel will either:
 - support the precept without qualification or comment;
 - support the precept and make recommendations, or
 - veto the proposed precept (by the required majority of at least two thirds of the persons who are members of the panel at the time when the decision is made).
- If the panel vetoes the proposed precept, the report to the commissioner must include a statement that the panel has vetoed the proposed precept with reasons. The panel will require a response to the report and any such recommendations.

- Complaints

- Criminal and non-criminal complaints in relation to the Police and Crime Commissioner or other office holders should be dealt with and/or delegated in accordance with the Act and the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012

- Suspension of the Police and Crime Commissioner

- A Police and Crime Panel may suspend the Police and Crime Commissioner if it appears to the panel that:
 - the commissioner has been charged in the United Kingdom, the Channel Islands or the Isle of Man with an offence, and

- the offence is one which carries a maximum term of imprisonment exceeding two years.
- The suspension of the Police and Crime Commissioner ceases to have effect upon the occurrence of the earliest of these events:
 - the charge being dropped
 - the Police and Crime Commissioner being acquitted of the offence (Note: this section may have to be varied in the light of Home Office Regulations expected in March on the exercise of the veto)
 - the Police and Crime Commissioner being convicted of
 - the offence but not being disqualified under Section 66 of the Police Reform and Social Responsibility Act by virtue of the conviction, or
 - the termination of the suspension by the Police and Crime Panel.
- In this section references to an offence which carries a maximum term of imprisonment exceeding two years are references to:
 - an offence which carries such a maximum term in the case of a person who has attained the age of 18 years, or
 - an offence for which, in the case of such a person, the sentence is fixed by law as life imprisonment.
- Suspension and removal of the Chief Constable
 - The panel will receive notification if the Police and Crime Commissioner suspends the Chief Constable.
 - The Police and Crime Commissioner must also notify the panel in writing of his/her proposal to call upon the Chief Constable to retire or resign together with a copy of the reasons given to the Chief Constable in relation to that proposal.
 - The Police and Crime Commissioner must provide the panel with a copy of any representations from the Chief Constable about the proposal to call for his/her resignation or retirement.
 - If the Police and Crime Commissioner is still proposing to call upon the Chief Constable to resign, she/he must notify the panel accordingly (the 'further notification').
 - Within six weeks from the date of receiving the further notification the panel must make a recommendation in writing to the Police and Crime Commissioner as to whether or not she/he should call for the retirement or resignation. Before making any recommendation the panel may consult the chief inspector of constabulary, and must hold a scrutiny meeting.

- The scrutiny hearing which must be held by the panel is a panel meeting in private to which the Police and Crime Commissioner and Chief Constable are entitled to attend to make representations in relation to the proposal to call upon the Chief Constable to retire or resign. Appearance at the scrutiny hearing can be by attending in person, or participating by telephone or video link.
- The panel must publish the recommendation it makes on its website and by sending copies to each of the authorities, and by any other means the panel considers appropriate.
- The Police and Crime Commissioner may not call upon the Chief Constable to retire or resign until the end of the scrutiny process which will occur:
 - at the end of six weeks from the panel having received notification if the panel has not by then given the Police and Crime Commissioner a recommendation as to whether or not she/he should call for the retirement or resignation, or
 - the Police and Crime Commissioner notifies the panel of a decision about whether she/ he accepts the panel's recommendations in relation to resignation or retirement.
- The Police and Crime Commissioner must consider the panel's recommendation and may accept or reject it, notifying the panel accordingly.
- In calculating the six week period, the period between the day of the poll at an ordinary election of a Police and Crime Commissioner and the day on which the Police and Crime Commissioner delivers a declaration of acceptance of office shall be ignored.

12. Public Participation

- Members of the public are able to ask questions or make a statement in relation to the responsibilities and functions of the Panel at each meeting. A maximum of 30 minutes will be allocated to this at the start of each meeting, and each question or statement should last no longer than 3 minutes.
- Questions must be put in writing to the Democratic Services Officer on behalf of the Proper Officer at Wiltshire Council no later than 5 clear working days before the meeting, to allow a response to be formulated, and are limited to a maximum of 2 per person / organisation. A response will be given as either a direct oral answer or a written reply.
- The questioner is able to ask one supplementary question after receiving a response. There is usually no debate on questions; however this is at the Chairman's discretion.
- Statements must be given in writing and can be received up to 10 minutes before the start of the meeting.

13. Decision Making and Rules of Debate

- Principles of Decision Making

These principles will underpin the way the Police and Crime Panel makes its decisions:

- Appropriate consultation will have been carried out and decisions will take account of its results and any professional advice given by officers
- The presumption that whenever possible, all decisions made by the Police and Crime Panel should be made in public and ensure open, fair and honest administration
- Decisions will be clear about what they aim to achieve and the results that can be expected
- Due respect for human rights will be shown and provision given to equality of opportunity
- Decisions will be efficient, effective and economic, and obtain best value
- Determination of decisions will be at the lowest level commensurate with their importance
- Decisions will produce action that is proportionate to the desired outcome, and state the reasons for the action
- All options considered and discarded when making a decision will be recorded

- Rules of Debate

The rules of debate of the Police and Crime Panel shall be governed by the rules relating to meetings of Council committees (section 102 to 106 of part 4 of the Council Constitution).

14. Minutes

The Chairman will sign the minutes of the proceedings at the next meeting. The only part of the minutes that can be discussed is their accuracy and any question as to their accuracy must be raised by motion.

15. Members' Conduct

- Speaking

When a member speaks at PCP meetings, he/she must address the meeting through the Chairman.

- **Chairman Requiring Silence**
When the Chairman so indicates during a debate, any member speaking at the time must stop and the meeting must be silent.
- **Member not to be heard further**
 - If a member persistently disregards the ruling of the Chairman by behaving improperly or offensively or deliberately obstructs business, the Chairman may move that the member be not heard further. If seconded, the motion will be voted on without discussion.
 - If the member continues to behave improperly after such a motion has been carried, the Chairman may adjourn the meeting for a specified period or move that the member leaves the meeting. If seconded, the motion will be voted on without discussion. If the member continues to behave improperly, the Chairman may give such direction as he/she considers appropriate for the removal of the member and the restoration of order.

16. Disturbance

- If there is a disturbance making orderly business impossible, the Chairman may adjourn the meeting for as long as he/she considers necessary, or if occurring in a part of the meeting room open to the public may call for that part to be cleared.
- If a member of the public interrupts proceedings, the Chairman will warn the person concerned. If he/she continues to interrupt, the Chairman will order his/her removal from the meeting room.

17. Suspension and Amendment of Procedure Rules

- Suspension
These rules may be suspended by motion on notice, or without notice if at least one half of the whole number of members of the PCP is present. Suspension can only be for the duration of the meeting. A motion to suspend any of these rules must specify the rule to be suspended and must be moved in terms limited to an explanation of the reasons for the suspension. It will be seconded in formal terms only and will be put to the Police and Crime Panel without debate. No suspension may be considered by the Police Crime Panel which does not comply with the Police Reform and Social Responsibility Act 2011, relevant Regulations, statutory guidance or the Panel Arrangements.
- Amendment
The Rules of Procedure shall not be amended unless notification of a proposed amendment is received by the Proper Officer Wiltshire Council at least 10 working days prior to a PCP meeting. A report on the implications

of the proposed amendment shall be considered by the PCP and the amendment shall require the agreement of at least two thirds of the persons who are members of the PCP at the time when the decision is made vote in favour of it. No amendment may be considered by the PCP which does not comply with the Police Reform and Social Responsibility Act 2012, relevant Regulations or statutory guidance or Panel Arrangements.

18. Adjournment of Panel Meetings

When the PCP adjourns, whether by resolution or by decision of the Chairman, the adjournment will by decision taken at that time be to a date, time and place specified, provided that where this is not practicable and a meeting is adjourned for an unspecified period and/or to an unspecified place, all members of the Police and Crime Panel will be notified of the new date, time and place when these have been determined.

19. Interpretation

- The ruling of the Chairman as to the construction or application of these rules or as to the proceedings of the Police and Crime Panel will be final for the purposes of the meeting at which it is given.
- If there is any conflict in interpretation between these Rules and the Act or Regulations made under the Act, the Act and Regulations will prevail.

General Note: Various functions of the PCP are subject to Regulations that are not yet available and the content of the Rules may therefore need to change before the final version is determined

Wiltshire Police and Crime Panel

Panel Arrangements

This Agreement is dated 5 December 2012.

The Agreement is made between Wiltshire Council and Swindon Borough Council (“the Authorities”)

1.0 Background

1.1 The Police Reform and Social Responsibility Act 2011 (‘the Act’) introduces new structural arrangements for national policing, strategic police decision making, neighbourhood policing and police accountability.

1.2 The Act provides for the election of a Police and Crime Commissioner (‘the PCC’) for a police force area, responsible for securing an efficient and effective police force for their area, producing a police and crime plan, recruiting the Chief Constable for an area, and holding him/her to account, publishing certain information including an annual report, setting the force budget and police precept and requiring the Chief Constable to prepare reports on police matters. The PCC must co-operate with local community safety partners and criminal justice bodies.

1.3 The Act requires the local authorities in each police force area to establish and maintain a Police and Crime Panel (‘the Panel’) for its police force area. It is the responsibility of the Authorities for the police force area to make arrangements for the Panel (‘Panel Arrangements’).

1.4 The Authorities, as the relevant local authorities within the area must agree to the making and modification of the Panel Arrangements. Where an authority has refused to nominate a member to a panel, then the remaining councils in an area can agree the panel arrangements without the need to get the agreement of the council that is refusing to participate.

1.5 Each Authority and each Member of the Panel must comply with the Panel Arrangements.

1.6 The functions of the Panel must be exercised with a view to supporting the effective exercise of the functions of the PCC for that police force area.

1.7 The Panel must have regard to the Policing Protocol issued by the Home Secretary, which sets out the ways in which the Home Secretary, the PCC, the Chief Constable and the Panel should exercise, or refrain from exercising, functions so as to encourage, maintain or improve working

relationships (including co-operative working); and limit or prevent the overlapping or conflicting exercise of functions.

1. 8 The Panel is a scrutiny body with responsibility for scrutinising the PCC and promoting openness in the transaction of police business in the police force area.

1. 9 The Panel is a joint committee of the Authorities.

2.0 Lead Authority

2. 1 Wiltshire Council shall be lead authority for the Panel and shall provide such administrative and other support as will be necessary to enable the Panel to undertake its functions.

3.0 Membership

3.1 General

3. 2 Appointments of elected members to the Panel shall be made by each of the Authorities in accordance with their own procedures and with a view to ensuring that the balanced appointment objective of the Act is met so far as is reasonably practicable. All members of the Authorities are eligible to be members of the Panel. The Lead Authority shall take steps to coordinate the Authorities with a view to ensuring that the balanced appointment objective is achieved. The balanced appointment objective requires that the local authority Members of the Panel (which includes Members appointed by the Authorities and co-opted Members who are elected Members of any of the Authorities) should:

- a) represent all parts of the police force area;
 - b) represent the political make-up of the Authorities; and,
 - c) taken together have the skills, knowledge and experience necessary for the Panel to discharge its functions effectively.
- Where an Authority fails to nominate, or having nominated then fails to appoint, a member to a panel the Lead authority shall notify the Home Office.

3. 3 In appointing co-opted Members who are not elected members of any of the Authorities, the Panel must secure, so far as is reasonably practicable that the appointed and co-opted Members of the Panel, together have the skills, knowledge and experience necessary for the Panel to discharge its functions effectively.

3. 4 The Panel shall consist of ten Members appointed by the Authorities in accordance with the requirements of the balanced appointment objective contained within the Act, as follows:

Wiltshire Council = 7 members

Swindon Borough Council = 3 members

3.5 The Panel shall also include two independent Members co-opted by the Panel.

3.6 The Panel may also resolve to co-opt further Members with the agreement of the Secretary of State provided that the number of co-opted Members included in the Membership of the Panel shall not exceed 10. A panel cannot co-opt a councillor unless all the panel members agree, and any councillor co-options have to be notified to the Home Office as do any resolutions to co-opt additional members.

3.7 The current arrangements that exist within the Authorities for the appointment of substitute members/deputies will apply to the Panel.

3.8 Appointed Members

3.9 The Authorities shall each nominate elected members to be Members of the Panel. If a nominated Member agrees to the appointment the Authority may appoint the Member as a Member of the Panel.

3.10 In the event that an Authority does not appoint a Member or Members in accordance with these requirements, the Secretary of State must appoint a Member to the panel from the defaulting authority in accordance with the provisions in the Act.

3.11 With a view to ensuring continuity of membership as far as possible, an appointed Member shall be a Member of the Panel for four years unless s/he ceases to be an elected Member, or is removed by their Authority.

3.12 An Authority may decide in accordance with their procedures to remove their appointed Member from the Panel at any point and on doing so shall give notice to the Proper Officer at Wiltshire Council.

3.13 Where a Panel member fails to attend meetings of the Panel over a six month period then the Lead authority shall recommend to the relevant authority that due consideration is given to removing the member from the Panel and to the appointment of a replacement member.

3.14 An appointed Member may resign from the Panel by giving written notice to the Proper Officer at Wiltshire Council and to their Authority.

3.15 In the event that any appointed Member resigns from the Panel, or is removed from the Panel by an Authority, the Authority shall immediately take steps to nominate and appoint an alternative Member to the Panel.

3.16 Members appointed to the Panel may be re-appointed to the Panel for a further term of four years provided that the balanced appointment objective is met by that re-appointment.

3. 17 Co-opted Members

3. 18 The following may not be co-opted Members of the Panel:

- a) the PCC for the Police Area.
- b) a member of staff of the PCC for the area.
- c) a member of the civilian staff of the Police Force for the area.
- d) a Member of Parliament.
- e) a Member of the National Assembly for Wales
- f) a Member of the Scottish Parliament.
- g) a Member of the European Parliament
- h) a serving police officer

3. 19 An elected member of any of the Authorities may not be a co-opted Member of the Panel where the number of co-opted Members is two.

3. 20 If the Panel has three or more co-opted Members an elected member of any of the Authorities may be a co-opted Member of the Panel provided that at least two of the other co-opted Members are not elected members of any of the Authorities.

3. 21 A co-opted Member shall be a Member of the Panel for four years.

3. 22 The Panel shall put in place arrangements to ensure that appointments of co- opted Members are undertaken following public advertisement in accordance with the following principles:

- a) The appointment will be made on merit of candidates whose skills, experience and qualities are considered best to ensure the effective functioning of the Panel;
- b) The selection process must be fair, objective, impartial and consistently applied to all candidates who will be assessed against the same pre determined criteria; and,
- c) The selection process will be conducted transparently with information about the requirements for the appointment and the process being publicly advertised and made available with a view to attracting a strong and diverse field of suitable candidates.

3. 23 A co-opted Member of the Panel may resign from the Panel by giving written notice to the Head of Democratic Services at Wiltshire Council.

3. 24 The Panel must from time to time decide whether the Panel should exercise its power to change the number of co-opted Members of the Panel to enable the balanced appointment objective to be met, or be more effectively met, and if so, it must exercise that power accordingly.

3. 25 The Panel may decide to terminate the appointment of a co-opted Member of the Panel if at least two-thirds of the persons, present and voting,

who are Members of the Panel at the time when the decision is made, vote in favour of making that decision at any time for the reasons set out below and on doing so shall give written notice to the co-opted Member:

- a) if the co-opted Member has been absent from the Panel for more than six months without the consent of the Panel;
- b) if the co-opted Member has been convicted of a criminal offence but not automatically disqualified;
- c) if the co-opted Member is deemed to be incapacitated by physical or mental illness or is otherwise unable or unfit to discharge his or her functions as a co-opted Member of the Panel;
- or,
- d) if the co-opted Member's membership of the Panel no longer achieves the meeting of the balanced appointment objective.

3.26 In the event that a co-opted Member resigns from the Panel or is removed from the Panel following a decision of the Panel, the Panel shall ensure that at least two independent co-opted Members remain appointed to the Panel, and in the absence of two such Members shall make arrangements to ensure that two co-opted Members are appointed.

3.27 Co-opted Members appointed to the Panel may be re-appointed for a further term of four years provided that the balanced appointment objective is met by that re-appointment.

3.28 Behaviour

3.29 All Panel members, including co-opted members, shall observe the Code of Conduct in force for their respective authorities and for the co-opted members the Lead authority's code of conduct, and any related protocols agreed by the Panel.

4.0 Budget and Costs of the Panel

4.1 The annual costs of the Panel shall be contained within the Home Office grant.

5.0 Rules of Procedure

5.1 The Panel shall determine its Rules of Procedure which shall include arrangements in relation to the:

- a) the appointment and removal of the Chairman;
- b) the formation of sub-committees;
- c) the making of decisions;
- d) the arrangements for convening meetings; and,
- e) the circulation of information.

6.0 Allowances

6.1 The payment of a responsibility allowance to Panel Members shall be considered and a recommendation sought from the Independent Remuneration Panel of each council as to whether the payment of such an allowance is appropriate.

6.2 Reasonable expenses will be reimbursed by each authority with the lead authority reimbursing the expenses of the co-opted independent members.

7.0 Promotion of the Panel

7.1 The role and work of the Panel shall be promoted by:

- a) the establishment and maintenance of a dedicated open-access website including information about the role and work of the Panel, Panel Membership, all non-confidential Panel and sub-committee meeting papers, press releases and other publications;
- b) the issuing of regular press releases about the Panel and its work; and,
- c) the Authorities will each include information about the Panel on their websites, and will also include a link to the Panel website.

7.2 Support and guidance shall be provided to executive and non-executive elected members and officers of the Authorities in relation to the functions of the Panel as follows:

- a) by the provision of initial briefing sessions for elected members and relevant officers of the Authorities before the election of the PCC, and the provision of annual briefing sessions thereafter; and,
- b) by the provision of written briefing notes for elected members and relevant officers of the Authorities at least three times per year.

8.0 Validity of Proceedings

8.1 The validity of the proceedings of the Panel shall not be affected by a vacancy in the Membership of the Panel or a defect in appointment.

8.2 The conduct of the Panel and the content of these arrangements shall be subject to the legislative provisions in the Police Reform and Social Responsibility Act 2011, and any Regulations made in accordance with that

Act, and in the event of any conflict between the Act or Regulations, and these arrangements, the requirements of the legislation will prevail.

Current Version